

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
Plaintiff)	
)	
v.)	No. 08 CR 372
)	Title 18, United States Code
EDWARD R. VELAZQUEZ)	Sections 1341, 1343, 2314, and 2.
Defendant)	

MOTION TO PRESERVE GOVERNMENT AGENTS', POLICE AND OTHER NOTES

Defendant Edward R. Velazquez, by his attorney James B. Koch, respectfully moves this Court to enter an order directing all law enforcement officers or agents, including but not limited to the Federal Bureau of Investigation (FBI) Commodity Future Trade Commission (CFTC) federal or state informants, or any government attorneys involved in any aspect of this case to retain and preserve all typed or handwritten notes, or both, made by any of the above-noted individuals at any time in relation to this case.

Defendant acknowledges receipt of certain limited reports, and other items of discovery relevant to the instant case. However, Defendant Edward R. Velazquez specifically urges that under *United States v. Wables*, 731 F.2d 440, 448-49 (7th Cir. 1984) any and all handwritten or typed notes made by any of the above-noted individuals, including notes made during interviews of any prospective government witnesses may be discoverable. Agents of the CFTC interviewed numerous witnesses before and after referring their court case to the U.S. attorneys' office. Their notes must be preserved.

Specifically, Defendant urges that this Court order the preservation of any notes taken during the course of purported interviews of witnesses, victims or any other government

informant or cooperating witness, as that term is commonly understood, by FBI Agents, the CFTC or any other agents, officers, attorneys, or investigators of the federal, state, or local government.

This Court's order should also include the preservation of any notes that are taken between the date of the order and the time of the trial.

WHEREFORE Defendant Edward R. Velazquez respectfully requests this Court to order the government to preserve the notes of any and law enforcement officers or agents.

Respectfully Submitted,
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